IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.F.A.No.2307 of 1986
Date of Decision : 21.09.2007

Rajbinder Singh .....Appellant

versus

Union of India and others .....Respondents

CORAM : HON'BLE MR.JUSTICE HEMANT GUPTA

Present : Mr.V.K.Kataria, Advocate for the appellant.
Mr.Vibhor Bansal, Advocate, Central Govt. Counsel for U.O.I.

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JUDGMENT

HEMANT GUPTA, J. (Oral)

The present appeal is directed against the award of the Reference Court dated 6.9.1986 whereby the reference under Section 30 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act), sought by respondent No.2 was allowed.

The award by the Special Land Acquisition Collector in respect of acquisition of land, tubewell and Jhallars standing on the land was announced on 17.12.1982. The said award includes the compensation of Jhallars standing in Khasra No.219/2 for which the compensation of Rs.2784.15 has been assessed.

The respondent No.2 alongwith Sandhu Singh sought the disbursement of the entire compensation of the Jhallars standing on Khasra No.219/2. Another claim was lodged by one Rajbinder Singh son of Sandhu Singh grand son of Harnam Kaur to claim the amount of compensation in respect of said Jhallars. The learned Reference Court on being refer the

dispute aforementioned, held that the appellant is not entitled to any compensation and in fact, respondent No.2 and others are entitled to compensation. For such finding, the learned Reference Court has relied upon the revenue record. The stand of the appellant that he has taken loan vide pronote and receipt Exhibit P-1 was found to be unbelievable. The findings recorded by the learned Reference Court are based upon proper appreciation of evidence. Learned counsel for the appellant could not point out that any evidence has been misread or not taken into consideration. The learned Reference Court was justified in law in disbursing the amount according to the revenue record and in the said revenue record, the appellant has not been reflected to have any share in the Jhallars.

Consequently, I do not find any illegality or irregularity in the findings recorded by the learned Reference Court, which may warrants inference of this Court. The present appeal stands dismissed.

21-09-2007 (HEMANT GUPTA)
*mohinder JUDGE